

[whereby the first antigen binding region is contiguous with] a first antigen non-binding region [of the first moiety]; and

b) a purified second moiety containing a second antigen-binding region bound to [and wherein the second antigen binding region is contiguous with] a second antigen-non-binding region, whereby the moieties are engineered so as to be juxtaposed to each other in an unnatural configuration, and wherein the first moiety and second moiety are derived from the same gene.

REMARKS

Claims 10-14 and 21 are rejected per 35 U.S.C. 101 as being directed to nonstatutory subject matter. Per the Examiner's suggestion, independent claim 10 has been amended to recite "isolated" molecules. Withdrawal of the §101 rejection is hereby solicited.

Claims 10-14 and 21 are rejected under 35 U.S.C. §112, first paragraph for being non-enabling with regards to the antigen binding domains and antigen non-binding domains being "contiguous" with each other. Applicants have removed the "contiguous" language considered objectionable by the Examiner, and have inserted the "bound to" language suggested by the Examiner in the first official action. Withdrawal of the 35 U.S.C. §112 rejection is hereby solicited

Claims 10-14 and 21 are rejected under 35 U.S.C. §112, first paragraph for being non-enabling with regards to unnatural configuration constructs. However, the Examiner indicates on page 6, paragraph 11 in the instant Official Action that the specification is enabling for constructs "having complementary determining segments positioned at opposite ends" of a dimeric assembly. As such, the preamble of claim 10 has been amended to recite this limitation.

Claims 10-13 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Pokkuluri et al (Structure, 15 August 1998, 6, pp 1067-1073). The inventor of the instant application is a co-author to the Pokkuluri reference, with said reference published on August 15, 1998. The instant application was filed on August 5, 1999, less than one year

In Re Stevens et al. (S.N. 09/368,989)
Amendment #2 in Response to April 24, 2001 O.A.
Page -3-

after the publication date of the cited reference. As such, the Applicants submit that the Pokkuluri reference does not act as prior art against the instant application.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pokkuluri et al. in view of Goling and Skoog et al. As stated above, since the Pokkuluri reference cannot be cited as prior art, the applicant submits that the reference cannot be used to form an obviousness rejection.

Applicants submit that in light of the foregoing amendments and remarks thereto, the application is deemed in order for allowance.

An earnest attempt has been made hereby to respond to the §101, §102, §103 and §112 rejections contained in the April 24, 2001 official action. Applicants submit that the instant amendment places the application in condition for allowance. If the Examiner feels that a telephonic interview will expedite allowance of the Application, she is respectfully urged to contact the undersigned. Reconsideration and allowance of claims 10-14 and 21 is hereby solicited.

Respectfully submitted,

CHERSKOV & FLAYNIK

By

A handwritten signature in black ink, appearing to read "Michael J. Cherskov", written over a horizontal line.

Michael J. Cherskov (33,664)